

FIRST REGULAR SESSION

SENATE BILL NO. 315

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CLEMENS.

Read 1st time January 18, 2007, and ordered printed.

TERRY L. SPIELER, Secretary.

1293S.01I

AN ACT

To repeal section 537.353, RSMo, and to enact in lieu thereof one new section relating to liability for damage or destruction of field crop products.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 537.353, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 537.353, to read as follows:

537.353. 1. Any person or entity who knowingly damages or destroys any
2 field crop product that is grown for personal or commercial purposes, or for
3 testing or research purposes in the context of a product development program in
4 conjunction or coordination with a private research facility, a university, or any
5 federal, state or local government agency, shall be liable for double damages
6 pursuant to this section.

7 **2. Notwithstanding the provisions of section 537.340, or the**
8 **provisions of subsection 1 of this section, any person or entity who**
9 **negligently commits any of the acts described in subsection 1 of this**
10 **section shall be liable only for compensatory damages.**

11 **3.** In awarding damages pursuant to **subsections 1 and 2** of this
12 section, the courts shall consider the following:

13 (1) The market value of the crop prior to damage or destruction; and
14 (2) The actual damages involving production, research, testing
15 replacement and crop development costs directly related to the crop that has been
16 damaged or destroyed.

17 **[3.] 4.** In addition, the court may award court costs, including reasonable
18 attorneys fees.

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EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.